

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Y.S.,

Plaintiff,

-V-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

21 Civ. 5878 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff Y.S. filed the Complaint in this action on July 8, 2021. (Dkt. 1.) Defendant New York City Department of Education was served with the Complaint on July 9, 2021, making its answer due by July 30, 2021. (Dkt. 8.) Defendant obtained an extension until September 13, 2021. (Dkt. 5.) A Clerk's Certificate of Default was filed for on September 28, 2021. (Dkts. 9, 11.)

It is hereby ORDERED that no later than October 19, 2021, Plaintiff shall move for default judgment as to Defendant, in accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases, or show cause why this case should not be dismissed for failure to prosecute. Pursuant to this Court's Individual Rules, Plaintiff must serve its motion for default judgment and supporting paperwork on Defendant by October 19, 2021, and must file an Affidavit of Service on ECF by October 22, 2021. Defendant shall file any opposition to the motion for default judgment no later than November 2, 2021. Plaintiff shall file any reply no later than November 9, 2021.


It is further ORDERED that Defendant appear and show cause at a hearing before this Court on November 17, 2021, at 11:30 a.m., why an order should not be issued granting a default judgment against Defendant. That hearing shall take place telephonically. At the scheduled time, counsel

for all parties should call (866) 434-5269, access code 9176261. In the event that Defendant does not appear, Plaintiff's counsel should be prepared to discuss any communications with Defendant or representatives for Defendant regarding their litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendant was served with the Summons and Complaint and this Order; why Plaintiffs' counsel is confident that Defendant has been served with those documents and have notice of the hearing; and the method for calculating damages. In the event that Defendant appears in this case and opposes the motion for default judgment prior to the scheduled court appearance on November 17, that court appearance shall also serve as an Initial Case Management Conference pursuant to 5.B of the Court's Individual Rules and Practices in Civil Cases.

It is further ORDERED that Plaintiff serve Defendant via overnight courier with a copy of this Order within one week of the date of this Order. Within two business days of service, Plaintiff must file proof of such service on the docket.

SO ORDERED.

Dated: October 7, 2021
New York, New York



JOHN P. CRONAN
United States District Judge